

Chair Boyle called the regularly scheduled meeting to order at 9:06 a.m. with Commissioners Boyle, Landis and Vap present and Commissioners Lowell Johnson and Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published June 24, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 1, 2003, at 9:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Cheryl Elton reported on telecommunications complaints received by the Communications Department during the preceding month.

FC-1296 In the Matter of Cox Nebraska Telcom, L.L.C., Omaha, and
FC-1297 Illuminet, Olympia, Washington, vs. Qwest Communications, Inc., Omaha, alleging violations of state law and policy, as well as tariff obligations; and Alltel Nebraska, Inc. and ALLTEL Communications of Nebraska, Inc., Complainant, vs. Qwest Corporation, Respondent, requesting a review of Qwest's common channel switched access capability signaling rate elements as set forth in Qwest's Access Service Catalog: Upon agreement of all Commissioners present, the effective date of Qwest's Access Services Catalog relating to common channel signaling access connection call set, filed June 17, 2003, was suspended.

C-2780 In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking arbitration to resolve issues relating to an interconnection agreement with Qwest Communications, Denver, Colorado: Upon agreement of all Commissioners present, an order was entered denying Level 3 Communications' motion for rehearing.

C-2953 In the Matter of RSL COM USA, Inc., New York, New York, seeking authority to withdraw authority granted in Application C-2471 and associated tariffs: Upon agreement of all Commissioners present, the application was granted.

C-2958 In the Matter of Kirk Hansel of rural Callaway, residing in an unserved area, seeking authority to receive telephone service from the Broken Bow exchange of Qwest Corporation: Upon agreement of all Commissioners present, the application was granted.

C-2959 In the Matter of North By NortheastCom, L.L.C., Beaverton, Oregon, seeking authority to change its name to Infone L.L.C.: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2904 In the Matter of Teledias Communications, Inc., Reno, Nevada, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2912 In the Matter of Horizon Telecom, Inc., Titusville, Florida, seeking authority to operate as a resale carrier of intrastate interexchange telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2952 In the Matter of OneLink Communications, Inc., Tamarac, Florida, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2957 In the Matter of HunTel CableVision, Inc., d/b/a HunTel Communications, Blair, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2960 In the Matter of NobelTel, L.L.C., Carlsbad, California, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

Gene Hand discussed the impact of the Federal Communications Commission's efforts to update their rules implementing the Telephone Consumer Protection Act, thereby establishing a national do-not-call registry for consumers who wish to avoid telemarketing calls.

Gene Hand informed the Commission that the FCC authorized Qwest to provide long distance service in Minnesota.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on the Late-Filed Carrier Remittances, seeking to impose late fees against three named companies: The request was approved without objection.

Jeff Pursley informed the Commission that Pinpoint Communications, Cambridge, has submitted a request seeking universal service support.

Jeff Pursley informed the Commission that Touch America has filed bankruptcy.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley discussed the Federal USF-NARUC resolutions.

E911 DEPARTMENT

Kara Thielen reported on her conversations with Senator Baker's office regarding Phase II implementation information related to estimated costs of Phase II implementation.

NATURAL GAS AND WATER DEPARTMENT

Andy Pollock reported on the Aquila rate filing and the Kinder Morgan meeting scheduled for Tuesday, July 8, 2003.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the working group that he served on during the months of May and June in an attempt to create a program for a United States Grain Merchandising licensing program. This was a joint effort by five organizations with vested interest in its creation. At this time it appears that the groups cannot reach a consensus on the minimum requirements that should be required to go forward. It appears the industry is not ready or willing to fund the costs associated with the plan. There is the hope that Congress will deal with the preemption issue and allow the states to deal with grain dealer laws according to their own rules and needs.

The following shortages were discussed:

GW-985 Soybeans at Farmland Service Co-op, Inc., Gothenburg
GW-2134 Soybeans at Grovijohn Feed & Seed, Inc., Howells

GW-1503 In the Matter of Seaboard Surety Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 343953 in the amount of \$500,000.00, issued on behalf of Trinidad Benham Corp. dba The Trinidad Bean & Elevator Company, Bayard, Bridgeport, Alliance, Minatare, Imperial, and Moomaw: The application was granted effective July 1, 2003.

Grain Dealer Division

GW-1722 In the Matter of Union Insurance Company seeking cancellation of its Continuous Grain Dealer Bond No. 11 00 11 in the amount of \$35,000.00, issued on behalf of Butte Farm Supply, Inc., Butte: The application was granted effective July 1, 2003.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2562 In the Matter of Old Republic Surety Company seeking cancellation of its Continuous Grain Dealer Bond No. RLI 479030 in the amount of \$35,000.00, issued on behalf of Kenneth Harlow dba Harlow Trucking, Emmet: The application was granted effective July 1, 2003.

GD-2778 In the Matter of John A. Fecht, Grain Warehouse Director,
GDC-388 Complainant, vs. Nebraska Popcorn, Clearwater, Defendant:
Upon agreement of all Commissioners present, a Complaint, Order to Show Cause, and Order for Hearing were entered. A hearing was set for August 4, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

GD-2806 In the Matter of John A. Fecht, Grain Warehouse Director,
GDC-376 Complainant, vs. Miller Grain Company, Inc., Salina, KS, Defendant: An order was entered approving claims.

HOUSING DEPARTMENT

Mark Luttich reported on the modular housing rules and regulations public hearing scheduled for July 9, 2003, at 9:30 a.m. and the manufactured home installation workshop scheduled for July 10, 2003, at 9:30 a.m., both in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as hearing officer for the manufactured home workshop.

TRANSPORTATION DEPARTMENT

B-1620 In the Matter of Kochkammerer Enterprises, Inc., dba Safeway Cabs, Omaha, seeking to acquire, through transfer, the authority granted to Safeway Cabs, Inc., Omaha, in Certificate B-287: Upon agreement of all Commissioners, the application was dismissed and the hearing set for July 2, 2003, was cancelled.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was retained at 12 cents per mile and the taxi surcharge at 20 cents per trip.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners present, authorization was granted to surplus Vehicle #7964, a 1996 Dodge Intrepid.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted for Kent Pribyl to travel to Clay Center, Kansas, on July 2, 2003, to perform a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

Commissioner Vap moved that the Commission go into closed session to consider personnel issues and Commissioner Landis seconded the motion. Upon agreement of all Commissioners present, the Commission went into closed session at 10:15 a.m.

Commissioner Vap moved that the Commission return to open session and Commissioner Landis seconded the motion. Upon agreement of all Commissioners present, the Commission returned to open session at 10:29 a.m.

The meeting adjourned at 10:30 a.m. with Commissioners Boyle, Landis and Vap present and Commissioners Lowell Johnson and Rod Johnson excused. The next regularly scheduled meeting will be held on July 8, 2003, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on July 7, 2003.

Chair

Executive Director